

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RYAN THOMAS O'MEARA,

Defendant-Appellant.

UNPUBLISHED

January 29, 2002

No. 226945

Presque Isle Circuit Court

LC No. 99-091769-FH

Before: Sawyer, P.J., and O'Connell and Zahra, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for possession of marijuana, MCL 333.7403(d), and minor in possession of alcohol, MCL 257.624b(1). We affirm.

On appeal, defendant challenges the validity of a traffic stop based on a cracked windshield. To make a valid traffic stop, a police officer must have a reasonable and articulable suspicion that a vehicle is subject to seizure for a violation of the law. *People v Williams*, 236 Mich App 610, 612; 601 NW2d 138 (1999). On reasonable grounds shown, an officer may stop and inspect a motor vehicle for an equipment violation. *Id.*; MCL 257.683(2). If a defect in any equipment is found in violation of the code, the officer may issue the driver a citation for a civil infraction. *People v Pitts*, 222 Mich App 260, 267; 564 NW2d 93 (1997).

The dispositive question in determining the legality of a stop is not whether an actual violation of the vehicle code had occurred, but whether the officer had a reasonable suspicion that a violation may have occurred. *People v Fisher*, 463 Mich 881; 617 NW2d 37 (2000). A stop must be reviewed on the totality of the circumstances as understood and interpreted by the police officer, and not legal scholars. *People v Yeoman*, 218 Mich App 406; 554 NW2d 577 (1996). This Court and the Supreme Court have upheld without comment searches that were initiated by a stop for a cracked windshield. *People v Chapman*, 425 Mich 245; 387 NW2d 835 (1986); *People v Muro*, 197 Mich App 745; 496 NW2d 451 (1993). The trial court did not err in finding that the officer made a valid stop.

Affirmed.

/s/ David H. Sawyer
/s/ Peter D. O'Connell
/s/ Brian K. Zahra